DRAMATIC COPYRIGHT.

The Case of Dion Boucicault vs. Josh Hart.

ARGUMENT OF COUNSEL

The Main Points on Both Sides Contrasted.

WHO IS THE PLAGIARIST?

An Interesting Scene in the Court Room.

Promptly at eleven o'clock yesterday morning Judge Woodruff took his seat on the bench of the ited States District Court, No. 27 Chambers street. An unusually large attendance was present : he occasion, the second rehearsal of the dramatisuit of Boucleault vs. Hart, or "Shaughraun" vs. to the case, principally from a general desire to have the authorship of the popular drama, entitled the "Shaughraun," supported with such favor for so long a time, once forever decided, and also to to dramatic representations passed upon by the prevailing one among the dramatic profession, some prominent members of which, at present in the city, presented themselves in court yesterday. The knights of the sock and buskin lose their brilliancy when they wash off their paint and drop their glitter with their spangles, and when they appear in a real court, before a real judge, they look as matter of fact as other people. Some of the Thespians, however, were somewhat loudly attired and clung to the traditional black velves kets, blue ties and lavender-tinted gloves, which appears to be a besetting weakness of va-

During the proceedings considerable sparring ook place between the silver-tongued Counsellor PGorman and the vivacious little Purdy, with his clossal mustache. Counsellor Purdy laugned and appeared to be disconcerted at nothing that his earned brethren in the law could allege against is arguments. Mr. O'Gorman took a philanthropic view of the case and stated that it was an important question of protection for the literary ng artistic world, and cited several English cases

bearing upon the issue.

Mr. Boucleault was present at the commencement of the proceedings, but left in company with Mr. Montague to take part in the matinée per-fermance of the "Shaughraun." His interests were carefully watched by Manager Palmer, who sat near Counselior O'Gorman. Mr. Wright, of Wallack's, was also in attendance. At the lawyers' table Mr. Josh Hart was seen, portly and pleasant looking, and apparently fearing no ill. Manager John Duff, lessee of the Olympic Theatre, and Mr. John F. Poole, the author of the burlesque Shock-raun," were also among the audience. r. Bliss, United States District Attorney, dropped in at about half-past two to listen to the proceedings. Mr. Stout, Stage Manager of the Theatre transpired, likewise Mr. R. M. Carroll.

It was quite apparent, from the deep interest manifested by these gentlemen in the proceed-ings, that beneath the suit under consideration eeling was that the decision to be reached would settle a question that has long been in

The faces of these theatrical gentlemen formed a study. The great gramatist, with his very baid head and almost feminine features, contrasted strongly with the rotund head of Harry Palmer, who, in a hoge and comfortable overcoat, caressed his auburn mustache and seemed quite contented with himself and all the world beside. Mr. Bouciment with interest and deep attention, though it was difficult to believe that he could readily assume the character of a barrister on the stage. Looking at the author sel's table just behind the portly and imposing o'Gorman, the old theatre-goer failed to find a race of the wily barrister who once defended me Deans, at the Olympic Theatre, so many trai figure of an exciting and absorbing scene; now he sat quiet and almost hidden in the group ound him. Looking back to that old stage trial the eye missed yesterday the glowing color that Hvery for the crier: indeed, there seemed to be no was a queer looking old man, who sat in a corner, apparently forgotten. The Judge wore no was legal and dry enough, but the eye found no relief in this federal Court of the Republic. If any future dramatist should seek to place the scene on the stage he would find that the costumer and property man could afford him no assistance. Portly John Duff author-actor, yet he was a central figure, quite the soariet gown and huge gold chain to make

dge.
table in front of Counsellor Purdy was a on the table in front of Counsellor Purdy was a yellow covered book, for reference, entitled "Katy O'Donohue," by Charles Lever, and at the back of said gentieman's chair was an immense-carpet bag, which had disgorged a dozen or so of law-books. When the case was closed Manager Palmer used his large blue silk scarf around his neck while talking to Counsellor O'Gorman, who told Mr. Bouckault that all looked very encouraging.

In the course of the proceedings Mr. O'Gorman, of counsel for Mr. Beuckault, said he was authorized by his client to state that if any one could prove that the "Shaughraum" was taken from any play, book or literary production, or that it was in any respect other than his sole production, he would pay to that party \$10,000.

The case of Bouckan's vs. Hart, having precedence, was the first called on.

Mr. O'Gorman at once rose, and addressing the Court, said he had now to offer a manuscript copy of the play of the "Shaughraun," to be subject to the order of the Court, according to notice served to that effect by the other side.

Mr. Purry objected to its reception.

The Court overruled the objection and admitted the manuscript of the play in evidence as ordered.

Mr. O'Gorman then offered in evidence the affi-

Mr. O'Gorman then offered in evidence the affi-daylt of Mr. Bouggault and his record of citizens ship.

The Court said it was unnecessary unless the other said raised the question. The Court then directed Mr. O'Gorman to proceed with his argu-

directed Mr. O'Gorman to proceed with his argument.

Mr. O'Gorman—Your Honor has suggested the necessity of being brief on the presentation of this case, and I shall endeavor to confine my remarks in as short a possible space as may be consistent with my duty to my client. Now, Your Honor, the following isots—sufficiently appear in the afficavitias it now stands of Mr. Bouckcault that he is a citizen of the United States and a resident of this city; that on October 20, 1874, he mailed to the fibrarian of Congress a printed copy of the title of his play "The Shaughraun;" that on the 14th of November, 1874, this play of the "Shaughraun;" that on the 14th of November, 1874, this play of the "Shaughraun;" was first presented at Wallack's Theatre to parties producing tickets so witness the same. The play had been in rehearsal for about four weeks previous to that 14th of November, which would bring it back to about the 10th of October, 1874, which would have been about the date of its first rehearsal. Since that 14th of November the play has been represented and has acquired great reputation and turned out a great represented January 26, 1876, in the theatre of the defendant. On that day, or the evening of the "Satestandar," won't one the represented January 26, 1876, in the theatre of that day, Mr. Wright, prompter in Wallack's Theatre, who had withessed numerous representation of the "Satestandar," won't one the representation of the "Satestandar," and his amidavit and the says that in Several of the secondary and his amidavit and the says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that in Several of the Secondary and his amidavit and he says that the secondary and his amidavit and he says t

the events, in pios, in the business, which is called stage business; in language in many instances, in purpose, in the nature of the emotions sought to be produced, that the "Skibbeesh" and the "Shaughraun" were so alike as to be almost identical. He instances in his amdavit various scenes, acted in the same way, having the same incidents, the same scenery, in many respects the same except in the change of name in the actor. All that human ingenuity could do to effect a perfect unity and identity between the two scenes in those respects has been done. All that human ingenuity could do to take possession of and use the intellectual property of the planntiff, in the case of the "Shaughraun" and turn it over to the use of the "Shaughraun" and turn it over to the use of the "Shaughraun" and turn it over to the use of the "Skibbeeah," has been done in these two cases. The affidavit of Mr. Wright goes to the full point. We also have the affidavit to the same effect of Mr. McGraw, also of Mr. Bouccault, so lar as he is able to say. We have also the affidavit of Mr. Reve, whose connection with the case is of very great importance. The instant the complainant fount his strange and mysterious similarity petween the "Skibbeeah" and the "Shaughraun" he wrote to the defendant a letter warning him that he was committing what is understood by the term plracy, and demanding that he desist from continuing in the wrong. Since then, in spite of that warning, the defendant as gone on representing the play, and, as is seen by the affects if read, is to-day—is now actually endeavoring to sell rights to actors and stars and to others for the performance of that play, to the manifest, material and uncalculable damage to the plaintiff of his rights, and thereby iniringing on these rights.

Application of the striking similarity be-

which we claim to be the same as ours, and endeavoring to sell rights to actors and stars and to others for the periormance of that play, to the manifest, material and incalculable damage to the plaintiff of his rights, and thereoy intringing on these rights.

AFFIDAVIT OF THE LIBRAHAN OF CONGRESS, If Your Honor please, the striking similarity between the plays is nowhere denied in the addato of the defendant; nor does the defendant anywhere deny that he took the "Skibbeean" from the "changraum," but there is an evasive statement in his addavit, there is a slippery language in that addavit of George L. Stout. He says that he went to work to adapt a play for the Theatro Comique. Your Honor will remember that from the 10th of October, 1874, the play of the "Shangaram" was under rehearsal. [Afr. Gorman proceeded to road portions of the amdavit.] Where the 10th of October, 1874, the play of the "Shangaram" was under rehearsal. [Afr. Gorman proceeded to road portions of the amdavit.] Where the 10th of October, 1874, the play of the "Shangaram" was under rehearsal. [Afr. Gorman proceeded to road portions of the amdavit.] Where the 18th of the 18t

to the other, some occuit information been intercanged.

The Court, reading some papers, inquired as to a point in the discussion, which Mr. O'Gorman naving explained, proceeded—

Your Honor, I was proceeding to say that the human mind, when it sees wondrous transactions presented, naturally rejects the hypothesis of miracles or violations of the known laws of nature, and at once goes in search of some rational commonpiace explanation of the apparently supernatural. Herefore, I say we are warranted in arriving at the conclusion that the explanation of the dentity between those eight scenes in the "Shaughraun" and the eight corresponding and identically similar scenes in the "Skibbeean" is that Mr. Stout got information, in quite a commonplace way, by long talks with some of the parties who witnessed the rehearsal, which was known to be taked about, and which, in fact, was a matter of complaint on the part of the plaintiff. He piace way, by long talks with some of the parties who witnessed the rehearsal, which was known to be talked about, and which, in fact, was a matter of compiant on the part of the plaintiff. He made this very subject a matter of compiaint to the manager of the theatre. Leaving that question aside, however, Igo to the last evidence in this case of identity between the two plays. We have the affidavit of Mr. Stout showing how and where he could have got the information, with all the other amdavits showing the identity of the two plays. But, independent of all this, we have the admission of the delendant himself in that printed statement which he got to be printed and published, and by his direction scattered broadcast over the land, to the effect that the "Skibbeeah" is nothing more than a clever condensation of the "Shaughraun," with some of the scenes transferred. That is the statement accepted by him as correct, cut by him irom the columns of the Spirit of the Times and used by him as to come and withess his play of the "Skibbeeah," which is nothing more nor less than a clever condensation of the "Shaughraun," as we claim, or other than they claim. [Mr. O'Gorman then read from the amdavit, presenting a similarity in the characters introduced into the two plays.] Now, Your Honor knows that a play is not a mere matter of writing a drama or a narrative. They represent two altogether different schools of thought. Thought is put in action in the orams. It is not the words spoken that alone produce the effect; there are a cacessories, action, byplay, which is called stage business; movement, scenes instantaneously changed, which is meant to hold the mirror exactly up to nature—all that forms the play and sit that is the property of the author of the play; and here we show that all that, to the whole of the "Skibbeeah" was and is an offshoot of our play. Now, Your Honor, the fact being incontrovertible that the play of the defendant is the same by as ours, intended to be the same production, having the same series and

The Court—That may rest for the present till you hear something on the question from the other side.

Mr. O'Gorman—I accept with pleasure Your Honor's suggestion. I may make an error anticipating my own points, which, after all, in fact, may not need argument. My only remaining question, then is, is

MR. BOUCKAULT CUILTY OF PLAGIARISM? He claims to be the author of the play. He is, in fact, the author of the play, and he comes before this Court claiming that he is entitled to the protection of the law as author of it. The defendant claims that the "Shaughraun" is the same play as "Pyke O'Callaghan;" that it was taken from "Pyke O'Callaghan;" that it was taken from "Pyke O'Callaghan;" that the ister play was the source, and the main source from which both Mr. Bouckcault and Mr. Stout derived their inspiration. Now, what is the isact, Your Honor? THE AUTHOR OF "PYKE O'CALLAGHAN" comes into court by similarity between the two plays. Mr. Bouckcault aimself swears that he never knew of the existence of the play of "Pyke O'Callaghan" till he saw the document in court. He swears that he play is a wholly new and original. If Your Honor please, no play can be in all respects wholly new and original, in Your Honor please, no play can be in all respects wholly new and original. Every tragedy is not from the pen of Sophocles, with a story wrought into action representing sorrow and suffering and crime. These elements, however, must be in every tragedy. Every comedy has not the stamp of the genius of a Torence, but to make a play a comedy it must have similar kinds of motionts. There is a general, yes a universal, fund of knowledge on this subject—one general fund of literature, from which all may drink inspiration without any charge of knowledge is like the sun itself—you may light millions of lanterps at it, and yet the brilliancy of the luminary is not diminished; but when you come to steal the lantern itself then there is play glarism and theft. I say, then, of Mr. Bouccaalit, using the general knowledge derived from hi

mct, like nothing that has been hitherto produced on the same subject—that is, of Irish life and character. Mr. Reeve says so—be of all men to be naturally supposed the most sensitive in recognizing a plagfairism, if any, in the play of the "Snaughraun," had been committed against him. We are informed there is a condition of the play of "Bryan O'Lynn." Now, dead men are not taken out of a play at all times—they sometimes exist in reality (?). Wakes are common events—or used to be—in the olden times, and there is no necessity for any author to claim that he discovered a wake, which is a part of the ordinary life of the Irish peasantry (?). But, between the two plays, that of the "Shaughraun," by Mr. Boucicault, and "Bryan O'Lynn," there is just as much difference as will be found octween a Greek Iragedy and one of Snakespeare's comedies—no similarity whatever. Again, we are told that in the wake scene there is the same language used by Mr. Boucicault as in the wake scene which is taken from Mr. Hall's "Ireland," and the language selected for the purpose of attempting to establish this is set forth in some of the delendant's affidavite. I will not detain Your Honor by reading it. Let it stand as part of the affidavit, and Your Honor will see in reading it in a moment that in ideas, in execution, in the expression of human emotion, there is not the slightest possible similarity between the two. Your Honor, at this stage of the case there does not seem to be anvening more that I can say. I do not know what time will be left me in reply, and I will here, before concluding, merely add that it seems to me that there is no kind or class of cases that can apply with more propriety to the protection of the law, with stronger claims of justice, than this kind of literary property. In our world of labor and care and anxiety a little play is just as necessary as a little work. We have, in fact, too much of the latter and to little of the former. And I conless F think the community owes something to the man has the energy to

is when the country is a win can't his own the rain abor, instinct with his own nature, vital with his own life—that, is what we now ask the Court to help us to reclaim.

MR. PURDY'S ARGUME.T.

Mr. Purdy, for the delence, then addressed the Court. Counsel confined himself very strictly throughout to the main legal points upon which he relied for a denial by the Court of the application for an injunction ugainst his client. He said:—

This is a motion for an interlocutory injunction to restrain the delendant from performing a play called "Skitbeeas," at the Theatre Comque, on the ground that it is an infringement of the plaintiff's copyrighted play of "Shaughraun," The plaintiff nies his bill in equity, and upon that and an amdawit he mowes for the injunction. The bill states that complainant is a citizen of the United States. This is denied for want of knowledge or information sufficient to form a belief, and it is alleged what he is a resident of Great Britain. It also states that he is the proprietor and author of "shaughraun." This is also denied. It is stated generally in the bill that the complainant has complied with all the requirements of law in regard to copyright. But we deny that he has ever done more than deposit with the librarian of Congress a copy of the tile, while the complainant allowes that the play has been puolicly performed, without reservation, many times. It also charges geometry the play has been puolicly performed, without reservation, many times. It also charges geometry and the play has been puolicly performed, without reservation, many times, it also charges geometry and the property of the united States, and in many instances, language; and congress of the play and the play positication of a literary production and an accomment to the public of a copyrighted work is uterly impossible during the statuted with the same section which provides for the copyright of a statute, and similar acts are incessary to acquire a valid copyright of the copyright of a statute, and similar acts are necessary to acquire a valid copyright of the copyright of a statute, and similar acts are necessary to acquire a valid copyright of the copyright of a statute, and similar acts are incessary to acquire a valid copyright of the copyright of the copyright of a statute of the statute with the literation of the copyright of the copyright. It is does, the door is open to uncontrollable fraud and the community is deprived of the rights to which they are entitled, its considerant of the privileges they conier. The statute must be construed strictly against the complainant. He must comply with all the requirements. English laws provide for the time limited, the copyright of the co

right, and in which the complainant has no interest. Hence it reasonably follows that "Shaughraun" is substantially identical with the same plays and books. Therefore it is not original, and the complainant's copyright is invalid, at least in sd far as his play is substantially similar to the common material. It is a well settled principle that he who sake the aid of a court of equity must enter that court in good faith and with dearrhands. He was seeks to restrain the infringement of an alleged copyright, which is itself a piracy, shows no good faith, his hands are unclean and he loses his standing in the Court. Upon the facts as they appear a preliminary injunction should not issue. The till does not show that at the time of filing the title the complainant was the exclusive owner of the play. There is nothing to show that, either at the time of filing the title or the bill of complaint the complainant believed himself to be the original and first author of the play. It should appear, not only by the bill, but by a separate afficavit, that at both periods he so believed. The copyright being recent, and the title in dispute, the complainant should be ordered to oring his action at law before an injunction issues. The injunction facts are shown to cast a doubt upon the mind of the court as to the originality and validity of the copyright. A long possession, use or sale to a considerable extent and former recoveries do not exist. The injunction should not be allowed before trial. There is but a temporary demand for the 'Scibocean," and irreparable mischief will ensue if the minution for the play, it is not of the cases cited arise under the patent laws, but they would seem to apply even with far more force to proceedings for infringements of popyright. A long possession, use or sale to a considerable extent and former recoveries do not exist. The injunction should not be allowed before trial. There is but a temporary demand for the 'Scibocean," and irreparable mischief will ensue if the minution of his play as a

and exhaustive discussion of all the points presented by plainting scounsel and in support of his own position.

"Mr. O'Gorman followed in repty, and on concluding the Court took the papers and briefs of counsel, reserving decision, but without intimation when it would render its decision.

There was a hurrying to and iro and a bustle in the court room, while friends of either party joined in order to retire together. Counsel and their assistants gathered up books and papers, and the general public, brought together upon such occasions to discuss with deeper wisdom the pros and consofthe "Saughraun" and the "Skibbeeah" than had been bestowed upon the question by counsel and Judge, took their departure, and in a lew minutes the court room was as descrited as the other arenas where the plays are played when the curtain drops upon the last act, when the audience have departed, the lights are extinguished and the late busy scene left to solitude and darkness.

LETTER FROM BARNEY WILLIAMS. No. 41 East THIRTY-EIGHTH STREET, Feb. 12, 1875.

TO THE EDITOR OF THE HERALD!-To my amusement and delight I saw in a legal report in your issue of last Wednesday that Mr. Stont, stage manager of the Theatre Comique, in an affidavit, owned to having taken the scene of the Irish wake, introthe scene of the Irish wake, introduced in his drama "Skibbeeah," from a two-act piece belonging to me and called, "Bryan O'Lynn." Such an example of honest proclamation from a dramatic author I am sorry to say is unparalleled. But, then, Mr. Bouckault charges Mr. Stout with stealing the "Skibbeeah" from the "Shanghraun." If that is the case, then, Mr. Bouckault's were the first imble fingers in my dramatic pocket. I beg that, if he should be moved by the touching example of Mr. Stout, that you will allow me through your columns to suggest to both these gentlemen the propriety of permitting me to make a disposition of my share of the proceeds of the performances of the plays in question—be it large or small. I wish to give it as an initial continuion to the establishment of an asyjum for dramatic authors of distinction and sterling honesty. Very respectfully,

THE CENTENNIAL.

MASS MERTINGS TO BE HELD IN AID OF THE ENTERPRISE-CANADA'S REPRESENTATION AT

THE EXHIBITION-A SUBSCRIPTION OF TEN THOUSAND DOLLARS YESTERDAY.

The applications for space at the International Exhibition in Philadelphia are still coming in rapidly at Mr. Bigier's office, at the St. Nich Hotel. The worthy old gentleman is still rather severe cold which he contracted during the last prospect of the patriotic enterprise will appear

"Governor, how is the financial outlook to-day?" "Ab," replied ex-Governor Bigler, with a smile, "people are not much inclined to think about the Centennial, or, in fact, about anything else while this extraordinary cold weather lasts."

"What means do you intend to take to arouse the people to the importance of aiding the under-

"Well," was the candid reply, "we look forward ings in New York, not merely to raise money, but to discuss the subject and present its merits and claims upon the people in the strongest light." THE OTHER HOPE.

"No. We also rely upon a scene, to be witnessed

greatest means of inspiring the entire country with confidence in the success of the enterprise and of imbuing the entire nation with an interest in its grandeur and national meaning."

"I refer to the time when the whole valley will teem with laborers engaged in erecting the exings that will spring up everywhere, and which are usually the accessories of the great world fairs. This scene will, in point of interest, be almost equal to the exhibition itsself." "Do you think work will soon be begun?"

"Yes: as soon as the weather moderates and cleatly a small army of laborers will be put to work. Every one who will look upon this scene will, I am sure, be impressed with the grandeur of this Centennial celebration of our great Republic." "Will it be easy to obtain a good view of the entire scene?"

"Yes, by standing on the top of George's Hill people can see what is going on in every part of the valley. I think thousands will come from New York and neighboring cities to view this human beehive."

York and neighboring cities to view this human bechive."

"And as to the mass meetings, when will they take place?"

"Not until the business season opens and until the public mind is more in tone for it. Then New York, which takes hold so generously of every patriotic undertaking, will, I am sure, do its duty as the Empire city of the Republic. Having been confined to my room for quite a time by liness I have been, of course, unable to come lete the negotiations now in progress with the express, telegraph and railway companies; but I think that they will be brought to satisfactory conclusions before long. To-day I have received a subscription to the stock for \$10,000, but for reasons which I do not care to mention I must withhold the name of the subscriber."

"What is the work that is being done now on the grounds?"

"It is too cold to do much at present. The pre-

not care to mention I must withhold the name of the subscriber."

"What is the work that is being done now on the grounds?"

"It is too cold to do much at present. The preparations for she work that is to open vigorously next month are, however, actively going on. The glass and iron for the machinery hall are now being manufactured at soveral points near Philadelphia, the glass principally at Norristown (which is fifteen miles above Philadelphia). Enormous quantities of lumber are also being manufactured at various places."

CENTENNIAL LITERATURE.

One of the interesting features of the Centennial will be the curious literature to which it will give the curious literature to whom it will give the curious literature to of the content of Mondo (the Portuguese illustrated journal published in this city for exportation to Brazill, amounces that he will publish a catalogue of the exhibition in the Portuguese and Spanish languages, and there is no doubt that Centennial gazettes in various languages will be printed somewhat on the plan of samilar publications at the great world's fair at vienna. Those issued will contain all items of interest to exhibitors and others, and a huge exposition like that at Philadelphia, being a little world in itself, there will always be news enough to make up a readable record. Publishers and authors of non-Centennial literature look also forward with a peculiar interest to the opening of the Exposition, when quite a number of books on the nation's growth and of a more than ephemeral value are to be lessed.

A wonderful, Machins.

Mr. Perrault, the Secretary of the Canadian Commission for the Centennial, called upon Mr. Bigler on his way to Philadelphia, where he wishes to obtain the fullest information regarding the exhibition. He assured Mr. Bigler that Canada's representation would be as full as it could possibly be, and that the people of the Dominion were taking a great interest in the one hundredth celebration of the birthday of the American Republic. Among other articles, Canada

houses, churches, shops, banks, omces, renway cars, melodeon and organ cases, carriages, picture frames, patterns for casting, &c., and is said to even surpass the famed block machinery at Portsmouth. The panels and other work can not only be cut of any shape, either fat, convex or concave surfaces, but with like facility on a round columnities to be hoped that when the machine will be on exhibition some Yankee with the proverbial goshead spirit will immediately invent something better and more wonderful still; but then poor canada would be robbed of her laurels.

There is not the slightest doubt that the Exhibition buildings will be ready for occupation long before the stipulated time. Mr. Bigler says that the inner walls of the art gallery, for instance, are already completed up to the eaves, and the granite front is finished up to one-third of its height. The grantle is lifted by a steam derrick moving on circular rails round the building, and picking up and piacing the atone on its way. This building is to be finished January I, 187d, under a penalty of \$200 for each day after that date that it is not completed; but the probability is that the contractor, a Mr. Dobbins, will have it ready before that time. In the latter case he will receive \$200 as a premium for each day in advance of the stipulated date. As to the main building, its foundations are already laid, and the stone piers are ready to receive the iron columns which help are to sustain. There are no less than 2,250 of these stone piers.

GENERAL CONCHA'S MARCH TO THE FRONT-A SEVERE TEST FOR THE PATRIOTISM OF THE VOLUNTEERS SPANISH COMPENSATION FOR BURNED OUT PROPERTY HOLDERS.

HAVANA, Feb. 8, 1875. General Concha left Havana this morning for the front. He was accompanied to the depot by officers of all grades, numbering about 300, and the Guias, or volunteer organization, which always acts as escort to him. His intention is to react troops and then call for reinforcements. By so doing he will get the volunteers in the field, and once there he thinks he can keep them. A TEST OF PATRIOTISM.

at the palace some time age, and General Concha laid his plan of another draft before them. It was decided that a draft would be very unpopular and would cause a great deal of dissatisfaction. and would cause a great deal of dissatisfaction. His idea to take command in person and make an urgent call for volunteers to save the honor of Spain is a very good one, but it is doubtful whether ne will succeed. He will try the patriotism of those who cried, "Viva Espaina!" "Viva Alionso!" &c., when the new King came to the throne, so that he may know upon what ground he stands.

throne, so that he may know upon what ground he stands.

The Voz de Cubd this morning gives the number of volunteers in Havana, Mananas and Cardenas at 30,000 men, and says that one-third of them could be brought into the field within five days.

PROPERTY OWNERS TO BE COMPENSATED.

A despatch from the Madrid government, received here last night and published in all the papers this morning, says that the government will pay all damages to property occasioned by the insurgents. The despatch reads well when it is taken into consideration that the army and navy in Cubs have not been paid for the last six months. The number of estates burned by the insurgents within the four weeks they have been west of the Trocha is reported to be thirty-two, but a great many have been reported burned which have not been disturbed. The sugar planters for the past week have been reported burned which have not been disturbed. The sugar planters for the past week have been reporting wholesale destruction of sugar estates to advance the price of sugar.

NEW YORK CITY.

Park Hospital to hold an inquest on the body of Elizabeth Dine, who died there the night previous from causes not stated.

medical department of the University of the City of New York will be held at Steinway Hall on Tuesday evening next, February 16.

At a meeting of west side democrats, on the 11th inst, a club was formed to advocate the elec-

tion of Governor Tilden as President of the United States. The officers are: President, Hugh Mc-Goldrick; Secretary, James Bagley; Treasurer, William H. Carr. By order of the Household Committee of the Women's Educational and Industrial Society, respectable working girls out of employment in need of aid, will be furnished with food on appli-cation at the Free Training and Cooking Schools, 47 East Tenth street.

More than 300 young doctors are to be

graduated in this city during the next few days, the annual commencement exercises in the sev eral institutions occurring as follows:—Medica Department of the University of the City of New York, at Steinway Rull, next Tuesday evening February 16; Believue Hospital Medical College, a the Academy of Music, on the afternoon of Thursday, February 25, and College of Physicians and Surgeons, at Steinway Hall, on Monday evening March 1.

BROOKLYN.

The receipts for taxes last week amounted to \$55.174 34.

There were 313 arrests by the police of Brooklyn The consumption of water in Brooklyn yester-

There were eight cases of smallpox reported at

the Health Office yesterday.

Two hundred thousand dollars was received by County Treasurer Gardner from Comptroller Powell yesterday.

A soup house for the poor, at Greenpoint, will be opened this week, under the supervision of Cap-tain Rhodes, of the Seventh precinct, to alleviate the suffering which at present prevails in that section of Brooklyn.

Mayor Hunter expresses himself as highly delighted with the appointments of bridge directors by the Mayor of New York. He says he hopes now that the work will be pushed rapidly forward to completion, and that all other public works will stop until the bridge is finished.

A conference of members of the Legislature,

Charity Commissioners and a special committee of the Board of Aldermen was held yesterday to consider the question of raising \$100,000 for the relie of the poor of Kings county. It was stated that last month \$21,000 was spent for groceries, at wholesale, and there was no doubt that parties relieved got fully \$50,000 worth of groceries, the supplies being purchased very cheap. The amount desired to be ruised will probably be authorized by special act of the Legislature.

LONG ISLAND

The next meeting of the Suffolk County Tem perance Society will be held in Greenport on Tuesday next, beginning at two o'clock P. M. and continuing until the evening of the 17th.

onthuing until the evening of the 17th.

Mr. D. S. S. Sammis, the owner of a large tract of land at West Islip, is about to lay out the property in lots and streets, and put 1,800 lots on the market. The location is about half a mile from the Central Raliroad. Mr. Sammis proposes to name the place Nassau City.

The Empire Oil Works, on the canal and East

River, Hunter's Point, were sold on Friday last to Mr. G. H. Lincoln for \$37,750. It is understood that they have been purchased for the Standard Oil Company, who will add these to their already ex-tensive works located on the opposite side of the

At the annual meeting of the Queens County Local Visiting Committee for the public institu-tions of Charities and Correction the following officers were elected for the ensuing year:
President, W. H. Onderdonk, of Great Neck; Vice
President, Miss Cornelia King, of Jamaica: Secretary, Miss Henrietta Titus, of Old Westbury.

Mr. E. P. De Mott, school tax collector of Rock-ville Centre, seized Henry Fairchild's sleigh for taxes. The latter resisted, but was forced to give the sleigh up. Fairchild's stepson, Louis McCord, sided with the officer, and Fairchild became much sided with the officer, and Fairchild became much incensed in consequence. A dispute arose and blows passed, and finally Fairchild struck McCord on the head with a club while the latter was prostrate, inflicting an agly wound. All this occurred on Wednesday, and litigation is now in

Among the claims allowed by the Alabama Claims Commissioners are two to residents of with interest at four per cent per annum from March 12, 1868—total, \$28,000; and the other to Mr. Robert N. Hand, of \$3.868, with same interest, amounting to about \$\$,700. These awards are made as compensation for the burning of the schooner Aldebaran by the rebel cruiser Florida, March 12, 1868. They were the sole owners of the vessel, and R. N. Hand was master.

STATEN ISLAND.

About \$400 was realized by the recent charity ball at the German Club rooms in aid of the Smith Infirmary and the Orphan Asylum. Jacob Van Pels, Tax Collector of the town of

chirton, who were permissed by one noard of Un-derwriters to take charge of the wrecked brig Mattano (recently destroyed by first), which went ashore at the Narrows a few weeks ago, netted over \$800 by the sale of the articles saved. Captain William Curry, of Clifton, has been

chosen President of the Irish societies on Staten Island for the ensuing year. A meeting of the dele-

The annual report of the President of the village received during the past year was \$12,187 12, and that the disbursements amounted to nearly that sum—\$122 63 still remaining in the treasury. The village owes no deet of any kind excepting a bonded debt of \$12,000, and there are no outstand-ing and unpaid vouchers.

The County Court and Court of Sessions of Rich-

mond county will convene on the 23d inst. at the Court House in Richmond, Judge Hanry B. Met-caife presiding. The cases of Nicholas Essel, Michael McKeon and the other highwaymen who attacked Messrs. David Ryers and Edward Benton on the New Dorp road, and who are now at large on ball, will be tried; also those of fifteen prison-ers conductd in the County Jail on petty charges.

WESTCHESTER.

Fishing for bass is proving a profitable pastime at Peekskill just now. George Williams, a colored vender of clams, was

found frozen to death in his shanty, near Mount Vernon, a day or two ago. A quarterly meeting of the Westchester County

Historical Society was neld at Manor Hall, Yonkers, on Friday evening, when John J. Wood read an interesting sketch of the Indians who formerly inhabited the county.

At a convention of the prohibitionists, held in

White Plains during the past week a resolution nal rum drinkers, rum sellers or their abettors is inconsistent with true Christianity and detri-mental to the interests of the Church and the nation."

entered a protest at Albany against the dumping of refuse matter between the first named place and Throgg's Neck, by the contractors of New York. The law, it appears, requires the dumping of all refuse matter one mile east of Sand's Point. It is asserted by the oystermen that several valuable beds of the bivalves have been destroyed by the contractors using that portion of Long Island Sound as a dumping ground.

In accordance with the statute which provides that convicts having indigent relatives who are unable to visit them in a remote prison may be sent to the prison nearest their families, eighteen New York jail birds were retransferred from Auburn to Sing Sing Prison a few days since. Among them is one who is serving out a life sentence for murder, three convicted for assault with intent to kill, while several others are undergoing sentences varying from five to twenty years. In the estimation of men familiar with State Prison affairs the statute indicated opens the door to bribery and other abuses among some of the higher officials connected with our penal institutions.

scure persons have succeeded in introducing into the Legislature a bill having for its object a rethe Legislature a bill having for its object a revision of the city charter, so as to make elective some of the municipal offices at present controlled by the Mayor and Board of Aldermen. Accordingly, the last named body has unanimously adopted resolutions remonstrating "against the passage of any act relating to the city of Yonkers, emanating from irresponsible parties without due publicity, as being an infringement of the rights of our citizens and contrary to all principles of good government." A resolution urging the Senator and member of Assembly from the district to use their efforts to prevent the passage of such bill was also adopted.

NEW JERSEY.

An engineer, named Michael Dolan, lost \$150 in Union Hill, on Friday night, between rum shops and thieves. The money had been hardly carned on board a South American steamer. A wagoner named Patrick Foley, fell from his

cart and was run over near Hoboken, sustaining injuries which will probably result in his death. He lies at his sister's residence in Hoboken.

The time for the introduction of private bills in

the Legislature will expire to-morrow evening. The constitutional amendments are made the special order for Tuesday morning in the House.

Rev. Mr. Mohn, pastor of the German Lutheran church of Hoboken, was tendered a brilliant recoption, and presented with a magnificent water and a handsome bouquet on the recurrence of his birthday. The gentleman is the most popular clergyman in Hoooken.

The justices of the peace in Hudson county are agitated over the bill pending in the Legislature, which, if passed, will render their offices worthjess. They have presented a remonstrance against the passage of the bill, and Mr. Carscallen will submit the document to the Assembly to-morrow

passage for Europe per the Hansa, lost his value containing \$2,000 in gold and other valuables on the dock yesterday morning. The watchman found the package and restored it to the owner.

A long and expensive suit has just been decided in the Sapreme Court. In the case of the Estate of the late Bernard McMahon vs. Matthiessen and

Wiecher the jury rendered a verdict for \$18,461 97 in layor of the plaintiff. The defendants immediately gave notice that they would carry the case to the Court of Errors and Appeals.

The Hudson county Grand Jury will report to

indictments will be presented. The evidence in the case of the freeholders frauds was overwhelming. Three of the freeholders have been missing since Thursday. The rumor that they have been indicted has been circulated throughout Jersey City. In consequence of the prevailing distress in Jersey City the Young Men's Christian Association sersey city the roung hears curstain association have resolved to discuss the question whether soup houses should be re-established. This association turnished so much relief last year that much distress was alleviated. Many prominent citizens have signified their desire to subscribe to so praise worthy an object.

The bill incorporating the new ship canal in Jersey City was the subject of debate last evening among

the real estate men in old Jersey City. A resolution was adopted indorsing the bill introduced by Assemblyman Sheeran, and calling on the representatives from Hudson county to support the bill. Mr. Sheeran will present a petition signed by a large number of property owners when the bill comes up for a second reading.

A blooming belle named Mary E. Muffet has just

been married in beverying at these consists of which were brought from Cauton, China, and taken to England Juring the American Revolution by Roger Kean, a prominent merchant of that day, and great-great-grandfather to the bride. She is the sixth bride married in that dress during five generations—three in England and three in this country.

THE METUCHEN MURDER TRIAL

The trial of Michael Sullivan for the murder of Daniel Taimage, near Metuchen, was resumed yes-terday in the Middlesex Oyer and Terminer at New Brunswick. As the trial progresses the public in-terest of the country around increases. P. C. Smith, an ex-detective of the Newark police force, was examined at considerable length. He contra ness, ex-Detective McManus, that he (Smith) had told him that he (Smith) had advised Sullivan to "make a clean breast of it," that is would be better for him. Smith swore

would be better for him. Smith swore that, on the contrary, he cautioned Sullivan not to say anything until he had satisfied himself it was the best plan. Smith swore, further, that, although he held out no promises or inducements to Sullivan to make "a clean breast of it," he nevertheless said to witness that he left like doing so, and said there was no use talking any more about two pocketbooks; there was only one, and that he hung his head and said, "I did it."

Peter F. Rodgers, ex-Chief of Police of Nc.7ark, was swore, and testified to being in charge of the Newark police when Sullivan was arrested; that Sullivan asked for drink, and after a time was given some liquor; that Sullivan told him what he thought a "sim" story about a msn having given him some money (\$70) for nothing, and that he considered it an officer and that he considered it an officer and that he considered it an officer and that he said it do in a properly could be further the ends of justice. A Mrs. Joseph Jernee, of New Brunswick, awore that Sullivan boarded with her last summer but was irregular in paying, and excused himself by saying an old man over the river in Piscataway owes him money and that if he did not get it from him he would kill him. The State said it desired to prove that Sullivan intended last summer to murder Talmage. The Court ruled the evidence out, as there was nothing to show that Talmage was the old man referred to. Coroner W. A. Lane, who held the inquest on Mr. Talmage's body, swore to the facts be knew of at the inquest, &c. A number of other withesses were examined and also a summer of other withesses were examined and also also and the second of the country and that also and the steurs estimated the money.